

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 EMERALD KALAMA CHEMICAL, LLC,

12 Plaintiff,

13 v.

14 WILLIAM D. ARENDT,

15 Defendant.
16

CASE NO. 3:18-cv-5649

ORDER ON DEFENDANT'S
MOTION FOR EXTENSION OF
TIME TO ANSWER OR DEFEND

17 THIS MATTER comes before the Court on Defendant William D. Arendt's Motion for
18 Extension of Time to Answer or Defend. Dkt. 14. Defendant seeks relief from its September 10,
19 2018 deadline to file an Answer or a Rule 12(b) motion to dismiss. The motion was noted for
20 September 14, 2018. Defendant has not yet filed either an Answer or a Rule 12(b) motion.

21 Defendant argues that he has shown good cause for a 21-day extension because attorney
22 Daniel Reising, a solo practitioner and local counsel to Defendant, has substantial, time-sensitive
23 obligations in another matter on the verge of trial. Dkt. 14 at 1, 2. Defendant notes that
24

1 Defendant's Response to Plaintiff's Motion to Expedite Discovery is due September 17, 2018,
2 the same day that Defendant has a pretrial conference in the other case. *Id.* at 3. It is
3 "impossible" for Defendant to meet deadlines in both cases, Defendant represents. *Id.*

4 Plaintiff argues that Defendant has not met his burden to show good cause, because even
5 if Defendant's local counsel has other time-sensitive obligations, Defendant's other attorney
6 works at a large firm and will do most of the substantive work on Defendant's Rule 12(b)
7 motion. Dkt. 18 at 2-4. According to Plaintiff, who conferred with opposing counsel, when
8 Defendant files his Rule 12(b) motion, Defendant will also seek to stay discovery pending the
9 resolution of that motion, which, along with a prior agreed delay, will prejudice Plaintiff. *Id.* at 4,
10 5. As elaborated in the briefing for Plaintiff's Motion to Expedite Discovery, Plaintiff notes,
11 Plaintiff has compelling reasons to expedite, not delay, discovery. *Id.*

12 Due to the Court's schedule, the Court was unable to address the merits of this motion
13 until now. What remains of the time requested would amount to a four (4) day extension for
14 Defendant to file his Answer or a Rule 12(b) motion. Notwithstanding Plaintiff's Response,
15 which points to possible discrepancies about which of Defendant's attorneys will do the
16 substantive work-up in this case, given the short time to be extended, Defendant has met his
17 good cause burden. Defendant's motion should be granted.

18 The parties are reminded that, absent an Order from the Court, the parties' applicable
19 discovery obligations remain. W.D.Wash. LCR 7(j).

20 * * *

21 Defendant's Motion for Extension of Time for Answer or to Defend (Dkt. 14) is
22 GRANTED. Defendant may file an Answer or Rule 12(b) motion by September 27, 2018.

23 IT IS SO ORDERED.
24

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
2 to any party appearing *pro se* at said party's last known address.

3 Dated this 26th day of September, 2018.

4 
5

6 ROBERT J. BRYAN
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24